

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Kumar Naharaja,)	
)	
Plaintiff,)	Civil Action No. 2:23-100-RMG
)	
vs.)	
)	
Thomas Kenneth Koch, <i>et al.</i> ,)	
)	ORDER
Defendants.)	
)	
)	
)	

This matter comes before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge recommending that this action be dismissed without prejudice, without leave to amend, and without being afforded another opportunity to bring the case into proper form. (Dkt. No. 9). Plaintiff was advised by the Magistrate Judge that the complaint, as submitted, failed to assert a claim upon which relief could be granted. Further, Plaintiff was advised of the need to submit a complete set of proposed service documents and responses to Rule 26.01 interrogatories. Plaintiff was warned that the failure to address the issues raised by the Magistrate Judge would result in the summary dismissal of the case. Plaintiff filed no response and this R & R followed. (*Id.* at 2-3). Plaintiff was further informed at the time of the issuance of the R & R that he had 14 days to file objections to the R & R, and the failure to make timely objections would result in limited review by the District Court and a waiver of a right to appeal the judgment of the District Court. (*Id.* at 7).

The Court has reviewed the R & R and other orders of the Magistrate Judge, the complaint, and the relevant legal authorities. The Court finds that the Magistrate Judge ably

summarized the factual and legal issues in this matter and correctly concluded that this action should be dismissed without prejudice, without leave to amend, and without an additional opportunity to bring the case into proper form. Therefore, the Court **ADOPTS** the R & R (Dkt. No. 9) as the order of the Court and **DISMISSES** this action without prejudice, without leave to amend, and without an additional opportunity to bring the case into proper form.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

May 1, 2023
Charleston, South Carolina